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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12
13 **PEACE AND FREEDOM PARTY, et al.,**
14 Plaintiffs,
15 **v.**
16 **DR. SHIRLEY N. WEBER, CALIFORNIA**
17 **SECRETARY OF STATE,**
18 Defendant.
19
20 **CALIFORNIANS TO DEFEND THE OPEN**
21 **PRIMARY and INDEPENDENT VOTER**
22 **PROJECT,**
23 Intervenor-Defendants.

3:24-cv-08308-MMC

**JOINT CASE MANAGEMENT
STATEMENT**

Case Management Conference

Date: November 17, 2025
Time: 11:00
Courtroom: Via Zoom
Judge: The Honorable Maxine M.
Chesney

Trial Date: None set
Action Filed: November 21, 2024

24 Plaintiffs Peace and Freedom Party Libertarian Party of California, Green Party of
25 California, American Solidarity Party of California, Gail Lighfoot, Joe Dehn, Sean Dougherty,
26 William Patterson, Aaron Reveles, Shannel Pettman, Defendant Secretary of State Shirley Weber,
27 in her official capacity, and Intervenor-Defendants Californians to Defend the Open Primary and
28

1 Independent Voter Project (collectively, the “Parties”) submit this Joint Case Management
2 Statement.

3 **PREFATORY STATEMENT**

4 The Parties jointly ask the Court to continue the Case Management Conference currently
5 set for November 17, 2025. Defendant and Defendant-Intervenors have filed motions to dismiss
6 the operative First Amended Complaint and those motions are still under submission. The Parties
7 believe that the resolution of these motions will help define the scope and timeline for any
8 discovery, dispositive motions, and trial in this case. The Parties therefore ask the Court to set the
9 Case Management Conference for a date after the motions to dismiss have been resolved. The
10 Parties would be willing to submit an updated Case Management Statement prior to that
11 continued conference.

12 **1. Jurisdiction and Service**

13 The First Amended Complaint has been served on Defendant and the Intervenor-
14 Defendants and there are currently no issues regarding personal jurisdiction or venue.

15 Plaintiffs:

16 Subject matter jurisdiction is alleged under 28 U.S.C. § 1331 (federal question).

17 Defendant and Intervenor-Defendants:

18 Defendant and Intervenor-Defendants do not concede that the Court has subject matter
19 jurisdiction.

20 **2. Facts**

21 Under Proposition 14, California utilizes a “top-two” primary system to select candidates
22 for statewide, legislative, and congressional offices. Under that system, the two candidates
23 receiving the most votes in the primary then proceed to a runoff in the general election. Plaintiffs
24 in this case are political parties and candidates. Plaintiffs allege that the two-two primary system
25 violates their right to ballot access under the First and Fourteenth Amendments. Plaintiff
26 American Solidarity Party also alleges a constitutional challenge to other California Election
27 Code provisions relating to candidates’ “party preference” statements on primary ballots.
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2 **3. Legal Issues**

3 The primary legal issues currently in dispute are set forth in the Defendant's and
4 Defendant-Intervenors' submitted motions to dismiss. *See* ECF Nos. 34, 35. Those issues
5 include, without limitation, whether Plaintiffs' claims are barred by res judicata, whether
6 Plaintiffs have alleged a cognizable claim under the First and Fourteenth Amendments, and
7 whether Plaintiff American Solidarity Party has standing.

8 **4. Motions**

9 Defendant and Defendant-Intervenors have filed motions to dismiss the First Amended
10 Complaint. The Court has taken both motions under submission without oral argument. The
11 Parties anticipate that if the case is not resolved at the motion to dismiss stage, it might be able to
12 be resolved by summary judgment motions.

13 **5. Amendment of Pleadings**

14 The Parties do not currently expect any claims or defenses to be voluntarily added or
15 dismissed.

16 **6. Evidence Preservation**

17 The Parties have reviewed the Guidelines Relating to the Discovery of Electronically
18 Stored Information and confirm that they have met and conferred pursuant to Fed.R. Civ. P. 26(f)
19 regarding reasonable and proportionate steps taken to preserve evidence relevant to the issues
20 reasonably evident in this action.

21 **7. Disclosures**

22 The Parties have not yet made initial disclosures. They ask the Court to delay setting the
23 deadline for initial disclosures until after the Court has resolved the motions to dismiss and the
24 scope of this dispute has been determined.

25 **8. Discovery**

26 The Parties have not taken any discovery to date because they believe that resolution of the
27 motions to dismiss will help define the scope and timeline for any discovery. The Parties ask the
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1 Court to defer setting a schedule for discovery and discovery-related motions until after these
2 motions have been resolved.

3 **9. Class Actions**

4 This case is not a class action.

5 **10. Related Cases**

6 The Parties are not currently aware of any pending related cases.

7 **11. Relief**

8 The First Amended Complaint seeks “a judgment declaring California’s Top-Two primary
9 system, as codified in the California Constitution and the California Election Code, including all
10 provisions of California law identified and described herein, to be violative of the First and
11 Fourteenth Amendments to the United States Constitution and otherwise unconstitutional as
12 applied to Plaintiffs.” The First Amended Complaint also seeks an award of attorneys’ fees and
13 costs.

14 **12. Settlement and ADR**

15 Because this action seeks to invalidate provisions of the California Elections Code, the
16 Parties do not currently believe that settlement is likely or that the case it would benefit from
17 ADR. Plaintiffs filed an ADR Certification by Parties and Counsel, ECF No. 16.

18 **13. Other References**

19 The Parties do not believe that the case is suitable for reference to any form of ADR.

20 **14. Narrowing of Issues**

21 The Parties believe that resolution of the motions to dismiss will clarify the scope of this
22 case, after which time the Parties can determine whether any issues may be (further) narrowed,
23 which issues are most consequential to the case, and how resolution of these issues may be
24 expedited.

25 **15. Scheduling**

26 The Parties ask the Court to defer setting a case schedule until after the motions to dismiss
27 have been resolved. The Parties suggest that, after such resolution, they submit an updated Case
28 Management Statement with a proposed schedule.

1 **16. Trial**

2 The Parties anticipate that the case will be resolved by dispositive motion. However, if the
3 case goes to trial, it will be tried by the Court. The Parties estimate that the trial would take 2-3
4 days.

5 **17. Disclosure of Non-party Interested Entities or Persons**

6 Plaintiffs:

7 As set forth in the Certificate of Interested Entities or Persons filed herein (ECF No. 13), there no
8 conflict of interest to report for any Plaintiff.

9 Defendant:

10 As a government official, Defendant is exempt from filing a Certification of Interested Entities or
11 Persons under Local Rule 3-15. *See* L.R. 3-15(a).

12 Defendant-Intervenors:

13 As set forth in the Certificate of Interested Entities or Persons previously filed by Defendant-
14 Intervenors herein (ECF No. 18), there is no interest to be reported for any Defendant-Intervenor.

15 **18. Professional Conduct**

16 All attorneys of record have reviewed the Guidelines for Professional Conduct for the
17 Northern District of California.

18 **19. Such other matters as may facilitate the just, speedy and inexpensive disposition of**
19 **this matter.**

20 The parties do not seek to discuss any additional matters at the Case Management
21 Conference.

1 Dated: October 15, 2025

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 ANTHONY R. HAKL
5 Supervising Deputy Attorney General

6 s/ Gabrielle D. Boutin
7 GABRIELLE D. BOUTIN
8 Deputy Attorney General
9 *Attorneys for Dr. Shirley Weber, in her*
10 *official capacity as California Secretary of*
11 *State*

12 Dated: October 15, 2025

s/ Soyeun D. Choi
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18 Dated: October 15, 2025

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28 Dated: October 15, 2025

s/ Christopher E. Skinnell
Christopher E. Skinnell
Attorneys for Intervenor-Defendants
CALIFORNIANS TO DEFEND THE OPEN
PRIMARY and INDEPENDENT VOTER
PROJECT

FILER'S ATTESTATION

I, Gabrielle D. Boutin attest in accordance with Local Rule 5-1(i)(3) that each of the other signatories to this document have concurred in the filing of the document.

Dated: October 15, 2025

s/ Gabrielle D. Boutin
Gabrielle D. Boutin

CERTIFICATE OF SERVICE

Case Name: **Peace and Freedom Party, et al.** No. **3:24-cv-08308-MMC**
v. Dr. Shirley N. Weber

I hereby certify that on October 15, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

JOINT CASE MANAGEMENT STATEMENT

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 15, 2025, at Los Angeles, California.

Cecilia Apodaca
Declarant

/s/ Cecilia Apodaca
Signature

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